

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PRINCEWELL EZEBUIHE,

Plaintiff,

v.

Civil Action No. 5:07CV75
(STAMP)

UNITED STATES DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
CHRISTI CUTRIGHT, UNICOR Factory Manager,
ANTHONY CONRAD, Assistant Factory Manager,
and P. FAZENBACKER, Production Supervisor,

Defendants.

MEMORANDUM OPINION AND ORDER
AFFIRMING AND ADOPTING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE

On June 6, 2007, the pro se¹ plaintiff brought the above-styled civil action. The case was referred to United States Magistrate Judge James E. Seibert for submission of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B). On July 9, 2007, the plaintiff filed a motion for leave to proceed in forma pauperis. On August 13, 2007, Magistrate Judge Seibert submitted a report and recommendation to this Court that the plaintiff's motion to proceed in forma pauperis be denied. The magistrate judge advised the plaintiff that the plaintiff may file written objections to his proposed findings and recommendations within ten days after being

¹"Pro se" describes a person who represents himself in a court proceeding without the assistance of a lawyer. Black's Law Dictionary 1237 (7th ed. 1999).

served with a copy of the magistrate judge's recommendation. The plaintiff filed no such objections.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a de novo review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the district court to review the recommendation under the standards that the district court believes are appropriate and, under these circumstances, the parties' right to de novo review is waived. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982); Webb v. Califono, 468 F. Supp. 825 (E.D. Cal. 1979). Accordingly, this Court reviews the report and recommendation of the magistrate judge for clear error.

On August 6, 2007, the plaintiff filed his Prisoner Trust Account Report (Doc. No. 8). This report reflects the plaintiff's average monthly deposits into the account during the six-month period before the plaintiff filed his complaint as \$400.19; the average monthly balance for the same period as \$1,171.41; and the current account balance as of August 1, 2007 as \$1,134.13.

Because the plaintiff has not objected to the report and recommendation of the magistrate judge, and because this Court finds that the magistrate judge's recommendation is not clearly erroneous, the ruling of the magistrate judge is hereby AFFIRMED and ADOPTED in its entirety.

The Clerk is DIRECTED to transmit a copy of this order to the plaintiff.

IT IS SO ORDERED.

DATED: September 17, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE